

Amendments to the Drawings:

Please add a legend reading "PRIOR ART" to FIG. 1. A replacement sheet for FIG. 1, showing the "PRIOR ART" legend and adhering to 37 CFR 1.121(d) is included with this Response.

REMARKS/ARGUMENTS

In a telephone conversation with Examiner Kosanovic on April 27, 2007, Examiner Kosanovic agreed to withdraw paragraph 1 of the Office Action dated November 20, 2006, regarding replaced substitute specification pages.

Restriction Requirement

In response to the restriction requirement, Applicant affirms the election without traverse of Group II, Claims 52-78, made during a phone call on November 2, 2006, and has cancelled claims 79-96 without prejudice.

Drawing Objections

The drawings stand objected to for not showing every feature of the invention as specified in the claims. Specifically, the Examiner asserted that the dry-break connector of claim 67 and the runner of claim 66 are not shown in the figures. Applicant respectfully asserts that the dry-break connector is shown as item 106 in FIG. 7 and discussed at pages 41-42 of the replacement specification. Applicant also respectfully asserts that the runners are shown as items 104 in FIG. 7 and discussed at page 42 of the replacement specification.

Claim Rejections Under 35 U.S.C. §102

Claims 52-55, 57 and 74-75 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat. No. 5,826,432 (Ledbetter) in paragraphs 9 and 16 of the Office Action under a first reading of Ledbetter.

Applicant respectfully asserts that independent claim 52, and claims 53-55, 57, and 74-75 are patentable over Ledbetter under the first reading of Ledbetter. Ledbetter discusses a blast chiller that includes a fan 170 that forces air into a high pressure chamber 190 as directed by a turning vane 174. FIGS. 4, 12A-12B, col. 7, l. 67 - col. 8, l. 2. The fan 170 blows air horizontally across the top of a ceiling plate 195 before being directed vertically downward by the turning vane 174. Id. and col. 5, ll. 63 - 65. The inlet of the air (noted as the outlet 172 of the fan 170 by the Examiner) from the fan 170 is vertically displaced relative to the high pressure

cavity 190, requiring air to be directed vertically into the cavity 190. Claim 52, however, recites a system sized for housing a vertical array of heat-producing units where the system includes a divider wall defining a first inlet, and a shell where the shell, divider wall, and array define a first plenum, and where the divider wall is configured such that the first inlet at least partially vertically overlaps with the first plenum to allow the first inlet to admit gas to the first plenum in a substantially horizontal direction. For at least these reasons, independent claim 52 and claims 53-55, 57, and 74-75, that depend from claim 52, are patentable over Ledbetter.

Claims 52 and 56 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat. No. 5,826,432 (Ledbetter) in paragraphs 10 and 16 of the Office Action under a second reading of Ledbetter.

Applicant respectfully asserts that independent claims 52 and 56 are patentable over Ledbetter under the second reading of Ledbetter. Under this reading, the Examiner equates the region in front of a food rack 162 containing trays 163 to be the recited first plenum. An evaporator coil 180 in the rack 162 cools air passing over the evaporator 180. Claim 52, however, recites a data center system in which a cabinet has an exterior shell and a divider wall that provides a heat exchanger chamber containing a heat exchanger, and that provides an equipment chamber separate from the heat exchanger chamber adapted to support heat-producing equipment. The evaporator coil 180 and the trays 163 to be cooled in Ledbetter are disposed in a common chamber while in claim 52 the cabinet houses a heat exchanger in one cabinet while a separate chamber is adapted to house the equipment to be cooled. For at least these reasons, claim 52 and claim 56, that depends from claim 52, are patentable over Ledbetter.

Claim Rejections Under 35 U.S.C. §103

Claims 58-63 and 68-73

Claims 58-63 and 68-73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat. No. 5,826,432 (Ledbetter) in view of US Pat. No. 5,952,842 (Fujimoto). Applicant respectfully asserts that claims 58-63 and 68-73, that depend from claim 52, are patentable over Ledbetter in view of Fujimoto for at least the reasons discussed above.

Dependent Claim 64

Dependent claim 64 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat. No. 5,826,432 (Ledbetter) in view of Fujimoto in further in view of US Pat. No. 6,104,003 (Jones). Applicant respectfully asserts that claim 64, that depends from claim 52, is patentable over Ledbetter in view of Fujimoto in view of Jones for at least the reasons discussed above.

Dependent Claims 65-66

Dependent claims 65-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat. No. 5,826,432 (Ledbetter) in view of Fujimoto and further in view of US Pat. No. 3,387,648 (Ward). Applicant respectfully asserts that claims 65-66, that depend from claim 52, are patentable over Ledbetter in view of Fujimoto in view of Ward for at least the reasons discussed above.

Dependent Claim 67

Dependent claim 67 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat. No. 5,826,432 (Ledbetter) in view of Fujimoto and further in view of US Pat. No. 6,302,147 (Rose). Applicant respectfully asserts that claim 67, that depends from claim 52, is patentable over Ledbetter in view of Fujimoto in view of Rose for at least the reasons discussed above.

Dependent Claims 76-78

Dependent claims 76-78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat. No. 5,826,432 (Ledbetter) in view of Fujimoto and further in view of Applicant's admitted prior Art FIG. 1. Applicant respectfully asserts that claims 76-78, that depend from claim 52, are patentable over Ledbetter in view of Fujimoto in view of Applicant's FIG. 1 for at least the reasons discussed above.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,


Shane H. Hunter
Reg. No. 41,858

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
Attachments
SHH:jrl
61039415 v1